

REMARKS

Summary of the Office Action

Claims 1 and 5-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,310,131 to Ward. Claims 2-5 and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ward.

Summary of the Response to the Office Action

Applicant has added new claims 12-17 to differently describe the invention. Accordingly, claims 1-17 are presently pending for consideration.

The Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1 and 5-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ward. Claims 2-5 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ward. Applicant respectfully traverses the rejections for at least the following reasons.

The Office Action, at page 2, alleges that Ward discloses each element of independent claim 1, for example. In this regard, the Office Action alleges that “Ward teaches a loudspeaker comprising a magnetic circuit, a voice coil on a bobbin, a diaphragm (1, 8 of fig. 3), a hollow portion in which an elongated can inserted and fixed by a support means (9) to diaphragm (1, 8 of fig. 3).” It appears that the Office Action’s reference to “fig. 3” of Ward is intended to be Fig. 2 of Ward, because Fig. 3 is merely a view of portions 1a and 1b of a “dust excluding cap.”

Applicant respectfully traverses the Office Action’s rejection of independent claim 1 at least because, while the Office Action refers to a “hollow portion” as being disclosed by Ward,

there is no specific reference provided as to which portion of Ward is being referred to for this feature.

Nevertheless, Applicant respectfully submits that Ward does not teach or suggest at least a “hollow portion” as recited in claim 1, as originally filed. In particular, this feature is recited in claim 1 as “a hollow portion defined in that portion of the magnetic circuit which is surrounded by the voice coil.” As shown in Figs. 2 and 3 of the instant application, the hollow portion 10 is provided in a portion of magnetic circuit that is completely surrounded by the voice coil 4a. In Ward, the voice coil 7 only surrounds the central portion of magnet 12 (i.e., the portion of the magnet 12 having a cap 1 situated over it). However, as shown in Fig. 2, there is no hollow portion defined in that portion of Ward’s magnet 12, as recited in independent claim 1.

Moreover, claim 1 goes on to recite “an elongated rod inserted in the hollow portion of the magnetic circuit and fixed to the diaphragm.” Ward does not teach, or even suggest, placing such an “elongated rod” within a “hollow portion defined in that portion of the magnetic circuit which is surrounded by the voice coil.” Figs. 2 and 3 of the instant application show an elongated rod 11 within a hollow portion 10 that is surrounded by the voice coil 4a, as recited in independent claim 1.

Also, the Office Action’s only reference to an elongated rod with regard to claim 1 is “a hollow portion in which an elongated can inserted and fixed by a support means.” It appears from this portion that the Office Action reference to “an elongated” is a reference to the “elongated rod” of claim 1. However, the Office Action appears to concede that the rod is not present in Ward by its “elongated can inserted” language, which seems to imply that an

elongated rod can be inserted, but is not currently shown. Nevertheless, Applicant respectfully submits that Ward does not teach or suggest placing an “elongated rod” within a “hollow portion defined in that portion of the magnetic circuit which is surrounded by the voice coil,” as recited in original claim 1.

Applicant respectfully submits that since Ward does not teach the “hollow portion” and “elongated rod” limitations of claim 1, as discussed above, it also does not teach or suggest the “at least one support member” limitation of claim 1, which is defined in relation to the “hollow portion” and the “elongated rod.”

Even further, the Office Action refers to items 1 and 8 of Fig. 3 in Ward as being “a diaphragm.” Applicant respectfully traverses this interpretation of Ward at least because these items are disclosed in Ward as being a dust excluding cap 1 and a spider 8. Ward’s diaphragm, on the other hand, is disclosed as being an “elliptical cone diaphragm 2” in Fig. 2. See col. 1, line 70 – col. 2, line 10.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Ward does not teach or suggest each feature of independent claim 1. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Similarly, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re

Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 2-11, whether rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a), are allowable at least because of the dependence from independent claim 1 and the reasons set forth above.

New Claims 12-17

Applicant has added new claims 12-17 to differently describe the invention. Applicant respectfully asserts that these new claims are allowable for similar reasons as set forth above with regard to original claims 1-11.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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